

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD BEHAR,

Plaintiff,

-against-

17-cv-8153 (LAK)
18-cv-7516 (LAK)

U.S. DEPARTMENT OF HOMELAND SECURITY,

Defendant.

ORDER

LEWIS A. KAPLAN, *District Judge*.

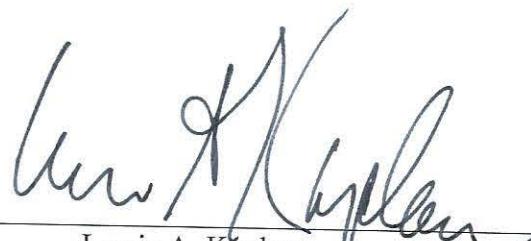
In a prior opinion [Dkt. 49], the Court concluded that the government had failed to meet its burden of establishing that the Freedom of Information Act (“FOIA”) justifies the withholding of the materials responsive to the plaintiff’s FOIA request, with the exception of names and other information pertaining to law enforcement personnel. The Court provided the government an opportunity to address with additional agency submissions the several deficiencies identified in its opinion. After receiving these submissions and holding oral argument on the parties’ renewed motions for summary judgment, the Court ordered *in camera* review of the responsive materials.

Having reviewed the responsive materials, and largely for the reasons identified in its prior opinion, the Court concludes that the government has failed to meet its burden of establishing that the materials are exempt from withholding.

The government’s motion for summary judgment [Dkt. 54] is denied, and the plaintiff’s cross-motion for summary judgment [Dkt. 58] is granted. The government shall produce the responsive materials to the plaintiff on or before August 18, 2020. The Clerk of the Court is directed to terminate the pending motions and close these cases.

SO ORDERED.

Dated: August 4, 2020



Lewis A. Kaplan
United States District Judge